

# **EXHIBIT 4**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

IN RE: ETHICON, INC. : MDL NO. 2327  
PELVIC REPAIR SYSTEM :  
PRODUCTS LIABILITY :  
LITIGATION :  
- - - : SUPERIOR COURT OF  
: NEW JERSEY  
IN RE: : LAW DIVISION -  
PELVIC MESH/GYNECARE : ATLANTIC COUNTY  
LITIGATION :  
: MASTER CASE 6341-10  
: CASE NO. 291 CT

AND VARIOUS OTHER CROSS-NOTICED ACTIONS

Wednesday, September 25, 2013

VOLUME II

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

CONTINUED VIDEOTAPED 30(B)(6) DEPOSITION OF  
JAMES P. MITTENTHAL

## GOLKOW TECHNOLOGIES, INC.

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1 RP -- I'm sorry -- RM that records were not being  
 2 duplicated for the Ethicon Sarl facility? That's  
 3 S-A-R-L.

4 A That arose from that symptom, although  
 5 I believe the CAPA was broader in the scope of what  
 6 it addressed.

7 Q And would you disagree with that CAPA  
 8 if it said that the records archive supplier process  
 9 was inadequate to ensure safeguarding of paper  
 10 records?

11 A Well, I don't think that I have  
 12 conducted an independent investigation or have  
 13 reason to agree or disagree with that statement. I  
 14 have general knowledge that there was a fire that  
 15 resulted in the loss of some paper batch records and  
 16 some paper NCRs, which were in the case of the NCRs  
 17 later recreated.

18 Q Your counsel's looking carefully at  
 19 this stack of documents to see whether or not I'm  
 20 going to use it.

21 MR. BERNARDO: Actually he's looking  
 22 at his watch in relation to those documents.

23 MR. WALLACE: I just want to make  
 24 sure.

25 Do you want to talk about hold notices

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1 Q And we've -- you've previously been  
 2 asked questions about this; correct?

3 A Yes.

4 Q I just want to sort of make sure some  
 5 things are clean in my record. Is it fair to say  
 6 looking at this list of hold notices that the first  
 7 TTVT hold notice was issued on May 22nd, 2003? Is  
 8 that correct?

9 MR. BERNARDO: Object to the form of  
 10 the question.

11 THE WITNESS: The first TTVT notice  
 12 that I'm aware of that has a relationship to the  
 13 subject matter of TTVT.

14 BY MR. GRAND:

15 Q Okay. And you don't have any reason  
 16 to believe that that hold notice was ever rescinded;  
 17 correct?

18 A I have requested as to whether that  
 19 notice has been rescinded. I do not have  
 20 information that that notice was rescinded.

21 Q Okay. And while there was subsequent  
 22 TTVT hold notices circulated or issued, it's fair to  
 23 say that the 5/22/2003 hold notice was still in  
 24 effect; correct?

25 A As I mentioned, I have not seen any

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1 some more? No? Okay. It's all Mr. Grand's for  
 2 now.

3 (Plaintiff's Exhibit No. 1424 was  
 4 marked for identification.)

5 BY MR. GRAND:

6 Q Good afternoon, Mr. Mittenthal. It's  
 7 nice to see you again.

8 A Good afternoon.

9 Q I am now going to be asking questions  
 10 on behalf of the New Jersey plaintiffs. The same  
 11 rules apply with respect to if you need a break,  
 12 please let me know. If anything I ask is unclear,  
 13 I'll do my best to rephrase it. Just let me know.  
 14 Okay?

15 A Okay.

16 Q A few minutes ago I marked the binder  
 17 we've been referring to this morning as -- also as  
 18 Plaintiff's Exhibit 1424. And I would ask you to  
 19 turn to Tab 2 of that binder and open up to the  
 20 first document in there, which is I believe  
 21 Bates-stamped Mittenthal 1273.

22 A Yes, I see it.

23 Q And you're familiar with that list;  
 24 correct?

25 A Yes, I am.

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1 material to indicate that it has been rescinded.

2 Q And with respect to the Prolift  
 3 product, looking at the list, would it be correct to  
 4 say that the first Prolift hold notice was issued on  
 5 April 21st, 2008?

6 A It would appear so.

7 Q And you don't have any understanding  
 8 that that has been lifted at this point or recalled;  
 9 correct?

10 A As I mentioned, I have inquired about  
 11 notices. I have no specific information that any  
 12 notice has been lifted.

13 Q Now, with respect to the litigation  
 14 holds, is it your understanding that they were  
 15 distributed by e-mail?

16 A Generally, yes.

17 Q Okay. And if I recall your testimony  
 18 earlier -- and please correct me if I'm summarizing  
 19 it inaccurately -- that the litigation holds were  
 20 disseminated to a select group of people, typically  
 21 department heads, who would then forward it on to  
 22 personnel who they believed might have relevant  
 23 information?

24 A I'm not sure I would characterize it  
 25 as department heads. The effort would be put forth